

REMARKS

The Examiner inquires whether the current application is a continuation of the provisional Application Serial No. 60/278,738 (the '738 Application), filed March 26, 2001. The current application claims the benefit of '738 Application as to common subject matter first disclosed in the '738 Application.

The drawings are objected to because they do not include reference sign 21. The Examiner's attention is directed to Figs. 3A and 3B, both of which include reference sign 21.

Claims 20-44 have been canceled.

~~Claims 45 and 46 have been canceled as being drawn to a non-elected invention.~~

Claims 1-19 remain pending in the application. Of these, claims 4, 7, 11, 12, 15 and 18 are withdrawn from consideration. Upon the allowance of a generic claim, Applicant respectfully requests consideration of the withdrawn claims. Claims 1 and 9 are currently amended.

Claims 1-3, 5, 6, 8-10, 13, 14, 16 and 17 and 19 are rejected in various combinations under 35 U.S.C. §102(b) based on Bradley et al. U.S. 5,626,128 (Bradley '128) and Rogers et al. U.S. 5,555,881 (Rogers '881). Bradley '128 discloses a cylindrical tube (forward portion 42 of fixation means 40) carrying a clamping means 44. Cylindrical tube 42 remains outside the oral cavity, while body member 20 is configured for positioning within the patient's oral cavity.

Rogers '881 discloses a cylindrical tube (collar 12). The collar 12 is retained by support member 16 and stabilized in position outside of the oral cavity by lip bumper 18 and straps 20 (see col. 3, lines 7-10 and Fig. 1).

Independent claims 1 and 9 have been amended to overcome these rejections. The cited references, alone or in combination, do not teach or suggest a tubular member sized and configured for passage into the oral cavity, as defined by the amended claims. Dependent claims 2-8 and 10-19 further define the subject matter of independent claims 1 and 9.

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Amendment A

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Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1-19 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach
Patricia A. Limbach
Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

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Customer No.: 26308

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